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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|----------------------------|-------------|-------------------------|------------------------|------------------|
| 10/070,878 | 08/19/2002 | Ana Maria Riverón Rojas | LEXSA P-27 | 2917 |
| 28752 | 7590 | 03/01/2006 | EXAMINER | |
| LACKENBACH SIEGEL, LLP | | | BARTON, JEFFREY THOMAS | |
| LACKENBACH SIEGEL BUILDING | | | | |
| 1 CHASE ROAD | | | ART UNIT | PAPER NUMBER |
| SCARSDALE, NY 10583 | | | 1753 | |

DATE MAILED: 03/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|-------------------------------|----------------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 10/070,878 | RIVERÓN ROJAS ET AL. |
| | Examiner Jeffrey T. Barton | Art Unit 1753 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 22 December 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 86-116 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 86-116 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

Response to Amendment

1. The amendment filed on 22 December 2005 does not place the application in condition for allowance.

Status of Objections and Rejections Pending Since the

Office Action of 24 August 2005

2. All previous rejections and objections are obviated due to the cancellation of all previous claims. However, many of the issues raised in the previous Office Action still apply to the new claims.

Claim Objections

3. Claims 103 and 111-113 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. These claims provide only method steps for the intended use of the devices of claims 102, 110, 106, and 86, and add no further structural limitations to the claimed electrophoresis chambers.

The Examiner respectfully suggests that each of these claims be rewritten as a method claim.

4. The claims are objected to for the following reasons. Appropriate correction is required.

- a. In claim 86 at lines 27 and 30, "the second one" and "the third one" are recited, although "the second set" and "the third set" would be clearer.
- b. In claim 86 at lines 32-35, the limitation "being said TAFE chambers . . . steps" contains language such as "used according to specific methods" and "done according to methods" that does not further limit the apparatus claim, and simply renders the intended scope of the claim ambiguous.

Throughout the claims, there are numerous instances of phrasing such as "being said . . ." or "being the . . .", which are awkward and unclear. For example, see claim 90 at line 4, claim 99 at lines 3-4, and claim 104 at line 5. Rephrasing such that these limitations read "wherein said . . . is/are . . ." would be much clearer.

- c. At numerous places (e.g. Claims 88-92, 97, 99, 100, 102-106, 113, and 115) "TAFE chamber", "TAFE chambers", or "chambers" are recited, and it is unclear whether these claims are referring to the specific TAFE chambers described in the independent claim. Amendment to "said TAFE chambers" or "one of said TAFE chambers" would correct this problem, once an original recitation of "TAFE chambers" is presented.

- d. The recitation of "minigel each one" in line 2 of claim 91 is unclear. Amendment to read "minigel in each UEZ" would be clearer.

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- e. Claims 93 and 94 depend from claim 90, but they recite a "type I TAFE chamber" that is not described until claim 92. There is also no antecedent basis for "the single electrode platform".
- f. There is no antecedent basis for "the cathode", "the anode", or "the ones" recited in claim 99. The recitation "the imaginary plane" is also unclear.
- g. There is no antecedent basis for "the rod waist" in line 7 of claim 102.
- h. Regarding claim 110, the recitation "existing plug makers . . . wells," in lines 8-9 of the claim is unclear. In addition, in line 12 of the claim, "sample plugs cutters" is recited, although "sample plug cutter" seems to have been intended. Similarly, in line 11 of the claim, "sample plugs maker" is recited, although "sample plug maker" seems to have been intended. There is no antecedent basis for "the ends" recited in line 12 of the claim, the recitation "which confer them" in line 12 is unclear, as are the recitations "transversal to the longest dimension" in line 15 and "about 0.15 to the gel width minus 0.3 cm" at the end of the claim.
- i. Regarding claim 114, there is no antecedent basis for "the gel height" in line 3, and there are multiple recitations of "NZUE" which most likely were intended to read "NUEZ"

The Examiner has again made a sincere effort to point out as many instances of unclear language as possible, but others are certainly also present. Applicant is requested to thoroughly review the instant claims and amend them to ensure that the

scope of each is unambiguous, while avoiding any introduction of new matter. The claims as currently recited have numerous instances of insufficient antecedent basis, typographical errors, and verbose descriptions that render the claim scope unclear. Applicant must correct all such errors before the claims can be allowed.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 86-116 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In multiple claims (Including independent claim 86), "said TAFE chambers" is recited, although there is no original recitation of "TAFE chambers". The Examiner suggests that the recitation of "chambers" in line 5 of claim 86 be amended to recite "TAFE chambers", as the simplest remedy of this problem.

Another recurring problem with clarity is exemplified in the preamble of claim 106. Amendment such that all references to "devices" unambiguously refer to the same item described in claim 86 is necessary. Perhaps "Electrophoresis chambers as claimed in claim 86, wherein the disassemblable devices formed by frames, base plates, covers and combs comprises:" or simply "Electrophoresis chambers as claimed in claim 86, wherein the second set comprises:" would be appropriate.

Limitations with similar unclear construction are present in claim 87 ("chambers that support" in line 3), claim 88 ("length that is" in line 2), claim 91 ("minigels that are placed" in line 3), claim 95 ("platforms whereby" in line 3), claim 96 ("pieces that occupy" in line 3), claim 102 ("system which is placed" in line 3; "rod that is able to turn" in line 5), claim 110 ("block that has" in line 5), and claim 114 ("volume that can be" in line 4). Other instances are probably also present. In all such cases, it is unclear whether the items being described are the same items that were also described in the earlier recitation.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dr. Jeffrey Barton, whose telephone number is (571) 272-1307. The examiner can normally be reached Monday-Friday from 8:30 am – 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nam Nguyen, can be reached at (571) 272-1342. The fax number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).

JTB
24 February 2006



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SUPERVISORY PATENT EXAMINER
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